

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re patent application of:

Corinna Lohning , Group Art Unit: 1639

Serial No.: 10/658,752 Examiner: Amber Steele

Filed: September 10, 2003

Title: NOVEL METHODS FOR DISPLAYING (POLY)PEPTIDES/PROTEINS ON
BACTERIOPHAGE PARTICLES VIA DISULFIDE BONDS

APPLICATION FOR PATENT TERM ADJUSTMENT UNDER 37 C.F.R. §1.705(d)

United States Patent and Trademark Office
Customer Service Window, Mail Stop Amendment
Randolph Building
401 Dulany Street
Alexandria, VA 22314

Applicant requests reconsideration of the patent term adjustment ("PTA") indicated in the Issue Notification of October 20, 2009. Reconsideration of the PTA to increase total PTA from 0 to 409 days, respectfully is requested.

(1) Applicant is including the fee set forth in 37 C.F.R. § 1.18(e). Please charge any deficiencies or credit any overpayment to our Deposit Account No. 50-2283.

(2) Statement of Facts

(i) Correct Patent Term Adjustment and Bases for Adjustment

The correct patent term adjustment is 409 days. The PTO's calculated patent term adjustment is 0 days. Applicant is entitled to an additional 409 days of patent term adjustment.

A review of the prosecution history shows that Applicant accrued the following amount of Patent Term Adjustment:

260 days of PTA up to July 28, 2005, (which is in agreement with the PTO calculation)

and

738 days of PTA from September 10, 2006 (filing date plus three years) through September 18, 2008 (filing of RCE), as part of the guarantee of no more than three years pendency before the USPTO, which apparently was omitted from the PTO's calculation.

This brings the total ($260 + 738$) to 998 days of accumulated PTA. Applicants further note that this calculation excludes the 9 days of Applicant was credited with ending on March 17, 2008, as that would involve double counting of those days.

Applicant agrees with the PTO that they have expended 589 days of PTA. Thus, the PTA due Applicant is $998 - 589$, which equals 409 days.

In view of the foregoing, Applicant respectfully requests the USPTO to recalculate and correct the PTA credited to application.

(ii) Terminal Disclaimer

The patent is not subject to a terminal disclaimer.

(iii) Failure to Engage in Reasonable Efforts

Applicant is not contesting the reduction in patent term adjustment of 589 days as accounted for by the PTO that are "deemed" to be a failure to engage in reasonable efforts under 37 C.F.R. § 1.704. There were no circumstances constituting a failure to engage in reasonable efforts to conclude processing or examination of the application under 37 C.F.R. § 1.704.

The Commissioner is hereby authorized by this paper to charge any additional fees required for filing this paper to Deposit Account 50-2283.

Respectfully submitted,

Date: January 20, 2010

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